

SHELDON & MAK

A PROFESSIONAL CORPORATION

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DANIEL J. COPLAN
EDWARD C. SCHEWE
KRISTIN C. HIBNER, PH.D.
MARC A. KARISH

May 12, 2003

Assistant Commissioner of Patents
Mail Stop PCT
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention: Office of PCT Legal Administration

Re: Renewed Petition Under 37 CFR 1.137(b)
Application No. 10/088,330
Sheldon & Mak Docket No. 10455-1PCT

Dear Sir:

Enclosed is our Renewed Petition Under 37 CFR 1.137(b), in response to the decision of March 12, 2003 dismissing Applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)."

Sincerely yours,



Robert J. Rose
Reg. No. 47, 037

RJR/tlc
Enclosures

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : CERA, INC.
Based on Serial Number : PCT/US96/11300
International Filing Date : 03 July 1996
Title : MICROCOLUMN FOR EXTRACTION
OF ANALYTES FROM LIQUIDS

Group/Art Unit : PCT Division
IPEA Examiner : Sun Uk Kim

RENEWED PETITION UNDER 37 CFR 1.137(b)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention: Office of PCT Legal Administration

Dear Sir:

This is a Renewed Petition for revival of an international application, which the United States Patent and Trademark Office dismissed on 12 March 2003 on the ground that:

"EXPRESS MAIL" mailing label number EV 247105622 US Date of Deposit May 12, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Trina L. Chamberlain
Signature

Trina L. Chamberlain
Typed or Printed Name of Person Mailing Paper or Fee

"Applicant states that "the entire delay in filing the required U.S. National Phase Entry patent application from the National Phase Entry deadline of 03 January 1999 until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." The statement is insufficient. The statement must read or literally mean "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. As the application went abandoned for failure to timely pay the basic national fee, the statement regarding the failure to file the patent application is not sufficient."

Accordingly, APPLICANT HEREBY RENEWS ITS PETITION FOR REVIVAL OF THIS INTERNATIONAL PATENT APPLICATION for the purposes of taking priority for national phase entry in the United States, and states the following:

1. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.
2. The entire delay in filing the basic national fee from the due date for the filing of the basic national fee until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. These statements are based upon the Declaration of Robert J. Rose, which is attached hereto, and the previously submitted Declarations of Jeffrey G. Sheldon, Deborah Grafe, and Thomas J. Good.

The only grounds being noted for dismissal of the previous Petition in this matter being that a statement was not included reflecting the fact that the failure to timely pay the basic national fee was unintentional, and that now being corrected, it is respectfully requested that the Petition be granted.

A copy of the original Petition is also attached, and incorporated herein.

The Assistant Commissioner is hereby authorized to charge any fee associated with this Renewed Petition, and any additional fees associated with this communication to Deposit Account No. 19-2090.

If there are any questions regarding this Petition that can be addressed by telephone, the United States Patent and Trademark Office is encouraged to contact Mr. Jeffrey G. Sheldon, or the undersigned.

Respectfully submitted,
SHELDON & MAK PC

Date: 5-12-03

By: 

Robert J. Rose
Reg. No. 47,037

SHELDON & MAK PC
225 South Lake Avenue, 9th Floor
Pasadena, California 91101-3005
Telephone (626) 796-4000
Facsimile (626) 795-6321

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------|---|--|
| Applicant | : | CERA, INC. |
| Based on Serial Number | : | PCT/US96/11300 |
| International Filing Date | : | 03 July 1996 |
| Title | : | MICROCOLUMN FOR EXTRACTION OF ANALYTES FROM LIQUIDS |
| Group/Art Unit | : | PCT Division |
| IPEA Examiner | : | Sun Uk Kim |

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Attention: Office of PCT Legal Administration

DECLARATION OF ROBERT J. ROSE

I, Robert J. Rose, declare that I am one of the attorneys appointed with Power of Attorney in the above-identified PCT Application, and make the following statements in support of the accompanying Renewed Petition Under 37 CFR 1.137(b), upon my own personal knowledge, except as where indicated, and then upon information and belief, I believe the statements to be true:

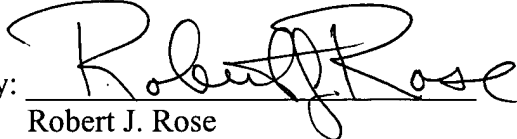
1. I am the Managing Partner of the law firm Sheldon & Mak, and held that position during the relevant time periods herein. In response to receipt of the decision on the Petition, I have read the declarations in this file, and examined our file history, and I have interviewed Jeffrey G. Sheldon and Deborah Grafe.

2. The reasons why an application, including the payment of the basic national fee, was not made in a timely fashion is detailed in the declarations accompanying the original Petition. In particular, it is clear from the declaration of the Applicant, Thomas J. Good, that the delay, including the failure to pay the basic national fee, was unintentional.

3. I believe and thereupon state, that the entire delay in filing the reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Signed at Pasadena, California, this 12th day of May, 2003

By: 
Robert J. Rose

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---------------------------|
| In re U.S. Patent Application of: |) | PCT Division |
| |) | |
| CERA, INC. |) | IPEA Examiner: Sun Uk Kim |
| |) | |
| Based on Serial No.: PCT/US96/11300 |) | |
| |) | |
| International Filing Date: 03 July 1996 |) | |
| |) | |
| For: MICROCOLUMN FOR |) | Pasadena, California |
| EXTRACTION OF ANALYTES |) | |
| FROM LIQUIDS |) | |

Assistant Commissioner for Patents and Trademarks
Attention: Office of Petitions
Box DAC
Washington, D. C. 20231

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY
UNDER 37 CFR 1.137(b)**

Dear Sir:

The above-identified international patent application was filed on 03 July 1996. The United States was designated in the international patent application and was subsequently elected under Chapter II. The Chapter II Demand for preliminary examination of the application was filed on 02 February 1998. It was Applicant's intention to enter National Phase in the United States by the expiration of the 30-Month deadline of 03 January 1999. The national application would be a Continuation-in-Part of Application Serial No. 08/275,781 filed on July 15, 1994, now US Patent No. 5,595,653. The 30-Month National Phase Entry deadline expired on 03 January 1999 without the completion of National Phase Entry in the United States. The delay in filing National Phase Entry of the international patent application in the United States was unintentional. **APPLICANT HEREBY PETITIONS FOR**

REVIVAL OF THIS INTERNATIONAL PATENT APPLICATION for the purposes of taking priority for National Phase Entry in the United States.

1. Three declarations by the undersigned, Jeffrey G. Sheldon, the undersigned's paralegal, Deborah Grafe, and the Applicant, Thomas J. Good, President of Cera, Inc., setting forth the details of the circumstances surrounding the delay in entering National Phase in the United States are enclosed herewith.
2. A Request for Entry into the National Phase in the United States under 35 U.S.C. 371 along with accompanying PCT Documentation for this International Application and the appropriate filing fees are enclosed herewith.
3. STATEMENT: The entire delay in filing the required U.S. National Phase Entry patent application from the National Phase Entry deadline of 03 January 1999 until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
4. The delay in noting the failure to file the US application resulted from the lack of an reason to check the status of the application, since the attorney responsible assumed it was filed. It was only after the attorney received correspondence relating to a corresponding foreign application was the failure to file the U.S. application noted.
5. The Commissioner is hereby authorized to charge the fee associated with this Petition and any additional fees associated with this communication to Deposit Account No. 19-2090.

If there are any questions regarding this Petition that can be addressed by telephone, the United States Patent and Trademark Office is encouraged to contact the undersigned.

Respectfully submitted,

Dated: 3/14/2002

By 

Jeffery G. Sheldon,
Reg. No. 27,953

SHELDON & MAK
225 South Lake Avenue, Suite 900
Pasadena, California 91101
Tel 626/796-4000
Fax 626/795-6321

Enclosures: Declaration by Deborah Grafe containing statements establishing unintentional delay
Declaration by Jeff Sheldon containing statements establishing unintentional delay
Declaration by Thomas Good containing statements establishing unintentional delay
Request for Entry into National Phase under 35 U.S.C. 371
PCT Documentation

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EL910918891 US

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on 3.14.02 and is addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

By: 

Deborah Grafe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---------------------------|
| In re Application of: |) | PCT Division |
| |) | |
| CERA, INC. |) | IPEA Examiner: Sun Uk Kim |
| |) | |
| Serial No.: PCT/US96/11300 |) | |
| |) | |
| International Filing Date: 03 July 1996 |) | |
| |) | |
| For: MICROCOLUMN FOR |) | Pasadena, California |
| EXTRACTION OF ANALYTES |) | |
| FROM LIQUIDS |) | |

Assistant Commissioner for Patents and Trademarks
Attention: Office of Petitions
Box DAC
Washington, D. C. 20231

DECLARATION OF JEFFREY G. SHELDON

I, Jeffrey G. Sheldon, declare that I am the attorney of record in the above-identified PCT application and make the following statements in support of the accompanying Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b):

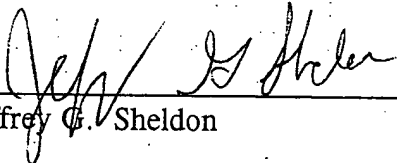
1. I prepared and filed U.S. Application No. 08/275,781, entitled: MICROCOLUMN FOR EXTRACTION OF ANALYTES FROM LIQUIDS, on 15 July 1994. This application was subsequently allowed and granted as US Patent No. 5,595,653. The named assignee on the US patent was Cera, Inc., which is the Applicant of the above-identified PCT application.
2. The Assignee and I determined that a Continuation-in-Part application to the above-mentioned application should be filed in the United States. We decided to file the PCT application with a new disclosure and designate the United States as one of the PCT country designations for the purposes of entering National Phase upon the expiration of the 30-Month Chapter II National Phase Entry deadline.
3. I instructed my paralegal, Deborah Grafe, to prepare a PCT Request designating the US as one of the PCT country designations. The PCT Request and International

Application were filed on 03 July 1999; The application was assigned PCT Application No. PCT/US96/11300.

4. A PCT Demand for preliminary examination was filed 02 February 1998. The 30-month deadline, then, for National/Regional Phase Entry was set to expire on 3 January 1999.
5. On 17 December 1998, I received the two-page facsimile transmission from Thomas J. Good, President of Cera, Inc., the Applicant in the PCT application, marked as Exhibit B. I forwarded this facsimile transmission to Deborah Grafe for handling National/Regional Phase Entry of the PCT application.
6. Deborah Grafe is Sheldon & Mak's senior patent paralegal and is responsible for handling National/Regional Phase Entry application formalities of all the International Applications being prosecuted by Sheldon & Mak on behalf of the firm's clients. I rely on Deborah to take whatever action necessary to properly enter National/Regional Phase in the designated states selected by the Applicant.
7. When I handed the 17 December 1998 facsimile transmission I received from the Applicant to Deborah Grafe, I expected that she would take the necessary action to enter National Phase in the United States as indicated on the client facsimile transmission. As a result, I believed that Deborah Grafe would take steps to file a National Phase application in the United States under 35 U.S.C. 371 by the 3 January 1999 deadline.
8. I have read Deborah Grafe's Declaration in support of the Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) and am in agreement with her recollection of Sheldon & Mak procedures with respect to all national patent application filings and, specifically, the actions taken for National Phase Entry of this PCT application.
9. I first became aware that an national patent application had not been filed in the United States when working with our foreign agent in the United Kingdom to respond to an outstanding Examiner Report in the Applicant's corresponding European Patent Application No. 96923649.6 on 7 January 2002. The response required that I review information in the PCT and prior U.S. Application No. 08/275,781, as identified in item 1 above. It was during my review that I realized that a Continuation-in-Part application had not been filed in the United States.
10. Immediately upon noticing the omission of a National Phase patent application filing in the United States, I instructed Deborah Grafe to research her actions in December 1999 to determine why a patent application had not been filed in the United States. Deborah Grafe's Declaration in this regard accompanies my Declaration.
11. To rectify this error in omission, I am petitioning to revive the International Application by the submission of the enclosed Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) and the request for National Phase Entry in the United States under 35 U.S.C. 371.

I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Signed at Pasadena, California, this 14th day of March, 2002.

By: 
Jeffrey G. Sheldon

SHELDON & MAK
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel. 626/796-4000, Fax 626/795-6321

Enclosure: Copy of Deborah Grafe's Declaration

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|---------------------------|
| In re Application of: |) | PCT Division |
| |) | |
| CERA, INC. |) | IPEA Examiner: Sun Uk Kim |
| |) | |
| Serial No.: PCT/US96/11300 |) | |
| |) | |
| International Filing Date: 03 July 1996 |) | |
| |) | |
| For: MICROCOLUMN FOR |) | Pasadena, California |
| EXTRACTION OF ANALYTES |) | |
| FROM LIQUIDS |) | |

Assistant Commissioner for Patents and Trademarks
Attention: Office of Petitions
Box DAC
Washington, D. C. 20231

DECLARATION OF DEBORAH GRAFE

I, Deborah Grafe, declare that I am a paralegal for the attorney of record, Jeffrey G. Sheldon, and make the following statements in support of the accompanying Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b):

1. I prepared the PCT Request form for the above-identified International Application. The United States designation, for the purposes of a anticipated Continuation-in-Part patent application upon National Phase Entry, was marked on the Designated States Sheet 3 of the PCT Request.
2. I prepared the PCT Demand for the International Application. As indicated on Sheet 3 of the Demand, (Exhibit A), the Applicant elected all eligible States, "that is, all States which have been designated and which are bound by *Chapter II of the PCT*." This election included the United States designation, as evidenced by the subsequent issuance of the International Bureau Form PCT/IB/332 entitled, "Information Concerning Elected Offices Notified of Their Election", on 16 March 1998. A copy of this form accompanies the Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b).
3. I reminded the Applicant on October 29, 1998 that the Chapter II Deadline was due to expire on 3 January 1999.

4. Not having received the client's instructions on National Phase Entry, I sent a follow-up facsimile reminder to the Applicant on 7 December 1998.
5. On 17 December 1998, I was handed a two-page facsimile transmission from Jeffrey Sheldon, my supervising attorney. (A copy of this facsimile transmission is attached to this Declaration, marked as Exhibit B.) This facsimile transmission was sent to him by Thomas J. Good, President of Cera, Inc., the Applicant. This facsimile transmission referenced US Serial No. 60/075063 and consisted of a form which listed what appeared to be PCT contracting states. This form contained instructions to "Please file foreign patent applications corresponding to the above patent application in the following designated PCT countries/regions..." Of the various countries on that list, the Applicant had checked the US on the form.
6. Standard Sheldon & Mak procedure has been to obtain all out-of-pocket expenses for National Phase Entry applications from the client prior to filing any National Phase applications. Upon receipt of the above-mentioned facsimile transmission, I developed an estimate of the application filing costs for all checked/marked countries on the form except the US, prepared a cover letter to the applicant advising him of the costs for the purposes of obtaining these estimated amounts in advance of preparing application filing instructions to our foreign associates. I then faxed this estimate information to the applicant on 17 December 1998.
7. I believe the reason I did not prepare an estimate of the costs for filing a National Phase application in the US was because: (a) I thought the checked box on the facsimile transmission selecting the US which Jeffrey G. Sheldon received from the applicant was either a mistake because the applicant had used a form that had not been developed by me or another Sheldon & Mak employee, as well as referencing U.S. Application No. 60/075063 which was not a priority application in the PCT case and this confused me or (b) from my past experience with PCT application National Phase Entry, most of our clients do not enter National Phase from a PCT into the US so I thought the US selection a mistake on the part of the applicant, or (c) I decided not to use the estimating software that Sheldon & Mak uses to develop application filing costs because I felt that the software did not accurately reflect Sheldon & Mak rates for filing US patent applications but rather decided to manually calculate the estimate; however, I must then have forgotten to conduct the manual calculation and did not add the estimate for filing a US application to my letter to the applicant of 17 December 98.
8. I received verbal, telephone instructions from Thomas Good to file applications in the 30-Month countries of Mexico, Japan, and Israel on 21 December 1998, the Monday before the Christmas holiday. Mr. Good advised me that he would give me instructions on filing additional applications for any 31-Month countries prior to the expiration of the 31-Month date of 3 February 1999.
9. Since I do not find any written records from the supervising attorney, Jeffrey G. Sheldon, within our PCT patent application file history to file the national patent

applications without obtaining the out-of-expenses from the Applicant, I believe that I received verbal instructions from Mr. Sheldon to arrange National Phase Entry of the PCT application. As such, on 21 December 1998, I prepared instructions to foreign Intellectual Property firms in the countries of Mexico, Japan, and Israel to file applications in these 30-Month National Phase countries.

10. On 28 December 1998, I prepared a letter to Mr. Good confirming national phase filings in Japan, Israel and Mexico. I also confirmed Mr. Good's instructions not to file national patent applications in Brazil, China, Czech Republic, Georgia, Hungary, Norway, Poland, Singapore, South Korea, Ukraine, Vietnam, or Yugoslavia. I further wrote that I was still awaiting Mr. Good's filing instructions on the 31-Month countries of Australia, Canada, Europe, New Zealand and the Russian Federation. No mention was made of a US estimate or application filing in this letter.
11. I believe that because I did not receive Mr. Good's request for estimates of the application filing costs until 17 December 1998 or his 30-Month filing application filing instructions until 21 December 1998 and the close proximity of the 3 January 1999 deadline to the end of the year holiday season, that I was under severe time constraints to coordinate the national patent application filings by the 3 January 1999 deadline. As such, I overlooked the possibility that a US national patent application would be required. It was never my intention not to file a US National Phase application.

I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Signed at Pasadena, California, this 14 day of March, 2002.

By: 

Deborah Grafe

SHELDON & MAK
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel. 626/796-4000, Fax 626/795-6321

Enclosure: Exhibits A & B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---------------------------|
| In re Application of: |) | PCT Division |
| |) | |
| CERA, INC. |) | IPEA Examiner: Sun Uk Kim |
| |) | |
| Serial No.: PCT/US96/11300 |) | |
| |) | |
| International Filing Date: 03 July 1996 |) | |
| |) | |
| For: MICROCOLUMN FOR |) | Pasadena, California |
| EXTRACTION OF ANALYTES |) | |
| FROM LIQUIDS |) | |

Assistant Commissioner for Patents and Trademarks
Attention: Office of Petitions
Box DAC
Washington, D. C. 20231

DECLARATION OF THOMAS J. GOOD

I, Thomas J. Good, declare that I am the President of Cera, Inc., the Applicant in the above-identified PCT application, and make the following statements in support of the accompanying Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b):

1. I authorized Jeffrey G. Sheldon to prepare and file U.S. Application No. 08/275,781, entitled, MICROCOLUMN FOR EXTRACTION OF ANALYTES FROM LIQUIDS, on 15 July 1994. The inventors assigned their rights to this invention to Cera, Inc. The application was subsequently allowed and granted as US Patent No. 5,595,653. Cera, Inc. was cited as the Assignee on the patent.
2. Jeffrey G. Sheldon counseled me that a Continuation-in-Part application to the above-mentioned application could be filed in the United States which would contain new disclosure of the invention.
3. I agreed to file a PCT application. I understood that the United States would be designated as one of the PCT country designations for the purposes of entering National Phase as a Continuation-in-Part application upon the expiration of the 30-Month Chapter II National Phase Entry deadline.

4. I authorized Sheldon & Mak to prepare and file a PCT Demand for preliminary examination on 30 January 1998. I was advised that the PCT Demand was filed 02 February 1998. I was advised by Sheldon & Mak that the 30-month deadline, then, for National/Regional Phase Entry would expire on 3 January 1999.
5. I received a reminder letter dated 29 October 1998 from Deborah Grafe, a Sheldon & Mak employee whose title on the letter indicated that she was "Manager, International Department", advising me that the deadline to enter National/Regional Phase would expire on 2 [sic] January 1999 and requesting my instructions for National/Regional Phase Entry.
6. I received an additional facsimile reminder from Deborah Grafe dated 7 December 1998, again, requesting my instructions on National/Regional Phase Entry.
7. On 17 December 1998, I sent a two-page facsimile transmission to Jeffrey G. Sheldon on which I marked the countries where I initially thought I might want national patent protection. One of the countries I marked on the facsimile transmission form was the United States, marked as Exhibit A.
8. On 17 December 1998, I received a facsimile letter from Deborah Grafe advising me of the estimated amounts for filing national patent applications in the countries of Australia, Brazil, Canada, China, Czech Republic, European Patent Office, Georgia, Hungary, Israel, Japan, Mexico, New Zealand, Norway, Poland, Russian Federation, Singapore, South Korea, Ukraine, Vietnam, and Yugoslavia. I did not notice that Deborah had not included the United States in her estimates.
9. In a telephone conversation on or prior to 21 December 1998 and based upon the estimates I received from Deborah Grafe, I instructed Deborah to enter National Phase in Japan, Israel and Mexico prior to the 30-Month deadline of 3 January 1999. I advised her that I had decided not file national patent applications in Brazil, China, the Czech Republic, Georgia, Hungary, Norway, Poland, Singapore, South Korea, the Ukraine, Vietnam or Yugoslavia. I did not instruct Deborah to file a patent application in the United States because the United States was not mentioned during the telephone conversation. Further, I did not know that the United States was a 30-Month country nor did I understand that the United States had been overlooked.
10. I received Deborah Grafe's letter dated 28 December 1998, reporting the filing of national patent applications in Japan, Israel and Mexico. Deborah's letter confirmed my instructions not to file patent applications in Brazil, China, the Czech Republic, Georgia, Hungary, Norway, Poland, Singapore, South Korea, the Ukraine, Vietnam or Yugoslavia and that Sheldon & Mak were still awaiting my instructions with respect to filing applications in Australia, Canada, Europe, New Zealand, and the Russian Federation. Again, I did not understand that the United States had been overlooked in the 30-Month patent application filings.
11. In a telephone conversation with Deborah Grafe on 21 January 1999, I authorized Deborah to file a regional patent application in Europe. Deborah confirmed my telephone instructions in her letter of 21 January 1999. She confirmed my instructions

to designate the countries of Austria, Belgium, Switzerland and Liechtenstein, Germany, Denmark, Spain, France, United Kingdom, Ireland, Italy, Netherlands, and Sweden as part of the regional application. Again, I did not understand that the United States had been overlooked in the national patent application filings.

12. I first became aware that an actual national patent application had not been filed in the United States when I received a letter from Jeffrey G. Sheldon reporting this to me in March 2002.
13. Immediately upon Jeffrey G. Sheldon's reporting of the omission of a National Phase patent application filing in the United States, I authorized Jeffrey G. Sheldon to take whatever action necessary to rectify this error in omission.

I further declare that all statements made herein of my own knowledge are true; that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Signed at Pasadena, California, this 13 day of March, 2002.

By: Thomas J. Good
Thomas J. Good, President

CERA, INC.
14180 Live Oak Avenue, Suite I
Baldwin Park, California 91706-1350

DEC-17-98 THU 12:00 PM

att'n
Jeff Shildon
2 pgs

P. 2

1171

US Serial No. 60/075063

- ☐ Please do not file foreign patent applications corresponding to the above patent application.
- ☐ Please file foreign patent applications corresponding to the above application in all PCT countries/regions (the designation fee for all states is \$1050).

- ☒ Please file foreign patent applications corresponding to the above patent application in the following designated PCT countries/regions (the designation fee for each country is \$105 or a maximum of \$1050 for ten or more):

☒ EPC

Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Monaco, Netherlands, Portugal, Spain, Sweden, Switzerland/Lichtenstein, and the United Kingdom

☐ OAPI (must select all or none)

Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, and Togo

☐ ARIPO

Gambia, Ghana, Kenya, Lesotho, Malawi, Sudan, Swaziland, Uganda, and Zimbabwe

☐ EURASIAN

Armenia, Azerbaijan, Belarus, Kazakstan, Kyrgyzstan, Moldova, Russia Federation, Tajikistan, and Turkmenistan

- | | | |
|---|---|---|
| <input type="checkbox"/> Albania | <input type="checkbox"/> Cyprus | <input checked="" type="checkbox"/> Japan |
| <input type="checkbox"/> Armenia | <input checked="" type="checkbox"/> Czech Republic | <input type="checkbox"/> Kazakhstan ¹ |
| <input checked="" type="checkbox"/> Australia | <input type="checkbox"/> Denmark ¹ | <input type="checkbox"/> Kenya ¹ |
| <input type="checkbox"/> Austria | <input type="checkbox"/> DPR Korea (North) | <input type="checkbox"/> Kyrgyzstan |
| <input type="checkbox"/> Azerbaijan | <input type="checkbox"/> Estonia | <input type="checkbox"/> Latvia |
| <input type="checkbox"/> Barbados | <input type="checkbox"/> Finland | <input type="checkbox"/> Lesotho |
| <input type="checkbox"/> Belarus ¹ | <input type="checkbox"/> France | <input type="checkbox"/> Liberia |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> Gabon | <input type="checkbox"/> Liechtenstein ¹ |
| <input type="checkbox"/> Benin | <input type="checkbox"/> Gambia | <input type="checkbox"/> Lithuania |
| <input type="checkbox"/> Bosnia and Herzegovina | <input checked="" type="checkbox"/> Georgia | <input type="checkbox"/> Luxembourg ¹ |
| <input checked="" type="checkbox"/> Brazil | <input type="checkbox"/> Germany ¹ | <input type="checkbox"/> Macedonia |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Grenada | <input type="checkbox"/> Madagascar |
| <input type="checkbox"/> Burkina Faso | <input type="checkbox"/> Ghana | <input type="checkbox"/> Malawi ¹ |
| <input type="checkbox"/> Cameroon | <input type="checkbox"/> Greece | <input type="checkbox"/> Mali |
| <input checked="" type="checkbox"/> Canada | <input type="checkbox"/> Guinea | <input type="checkbox"/> Mauritania |
| <input type="checkbox"/> Central African Republic | <input type="checkbox"/> Guinea-Bissau | <input checked="" type="checkbox"/> Mexico |
| <input type="checkbox"/> Chad | <input checked="" type="checkbox"/> Hungary | <input type="checkbox"/> Monaco |
| <input checked="" type="checkbox"/> China | <input type="checkbox"/> Iceland | <input type="checkbox"/> Mongolia |
| <input type="checkbox"/> Congo | <input type="checkbox"/> Ireland | <input type="checkbox"/> Netherlands |
| <input type="checkbox"/> Côte d'Ivoire | <input type="checkbox"/> Indonesia | <input checked="" type="checkbox"/> New Zealand |
| <input type="checkbox"/> Cuba | <input checked="" type="checkbox"/> India — <i>not designated</i> | <input type="checkbox"/> Niger |
| | <input checked="" type="checkbox"/> Israel — <i>unapplicable</i> | <input checked="" type="checkbox"/> Norway |
| | <input type="checkbox"/> Italy | <input checked="" type="checkbox"/> Poland |

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☒ Yugoslavia
☐ Zimbabwe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---------------------------|
| In re U.S. Patent Application of: |) | PCT Division |
| |) | |
| CERA, INC. |) | IPEA Examiner: Sun Uk Kim |
| |) | |
| Based on Serial No.: PCT/US96/11300 |) | |
| |) | |
| International Filing Date: 03 July 1996 |) | |
| |) | |
| For: MICROCOLUMN FOR |) | Pasadena, California |
| EXTRACTION OF ANALYTES |) | |
| FROM LIQUIDS |) | |

Assistant Commissioner for Patents and Trademarks
Attention: Office of Petitions
Box DAC
Washington, D. C. 20231

TERMINAL DISCLAIMER
(37 CFR 1.137(a), (c) and § 1.321(a),(b))

I, Jeffrey G. Sheldon , am the attorney of record for this invention.

The extent of interest in this invention for which this disclaimer is being made is in the whole of this invention.

The assignee is: CERA, INC.
14180 Live Oak Avenue
Baldwin Park, California 91706-1350

The assignment was recorded on July 14, 1994, under Reel/Frame Nos. 7084/0596.

Attached is a "STATEMENT UNDER § 3.73(b)," establishing the right of the assignee to take action in this case.

Disclaimer is hereby made for the part of the term of any patent granted on this application and any application claiming priority therefrom under 35 U.S.C. § 126, 121 or 365(c), in an amount equal to the period of abandonment of this application.

Extension of Disclaimer to Subsequent 35 U.S. § 120 Applications

Because this terminal disclaimer accompanies a petition to revive an application filed before June 8, 1995 that is abandoned (37 CFR 1.137(a), (c)), this disclaimer also applies to any patent granted on any continuing application entitled, under 35 U.S.C. § 120, to the benefit of the filing date of this application for which revival is sought.

Attached is a check in the amount of \$55.00. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 19-2090.

A duplicate of this paper is attached.

Respectfully submitted,

Dated: 3/14/2002

By: 

Jeffrey G. Sheldon,
Reg. No. 27,953

SHELDON & MAK
225 South Lake Avenue, Suite 900
Pasadena, California 91101
Tel 626/796-4000
Fax 626/795-6321

Enclosure: A duplicate of this paper

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JEFFREY G. SHELDON, ESQ.
SHELDON & MAK
225 S. LAKE AVENUE, STE. 900
PASADENA, CA 91101

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DOC DATE: 07/14/94

RECORDATION DATE: 07/15/94 NUMBER OF PAGES 004 REEL/FRAME 7084/0596

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
CERA, INC.
14180 LIVE OAK AVENUE, SUITE F
BALDWIN PARK, CA 91706

SERIAL NUMBER 8-275781 FILING DATE 07/15/94
PATENT NUMBER ISSUE DATE 00/00/00

Margaret LaSalle
EXAMINER/PARALEGAL
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Applicant(s): CERA, INC.

Docket No.

10455-1PCT

Serial No.

PCT/US96/11300

Filing Date

03 July 1996

Examiner

Sun Uk Kim

Group Art Unit

Invention: Microcolumn for Extraction of Analytes from Liquids

I hereby certify that the following correspondence:

Letter to Assistant Commissioner of Patents; Renewed Petition Under 37 CFR 1.137(b); Declaration of Robert J. Rose; and a copy of Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) filed on March 14, 2002.

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